

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 352

Introduced by Lautenbaugh, 18.

Read first time January 15, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend sections
2 25-505.01, 25-506.01, and 25-507.01, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 service of summons; to harmonize provisions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-505.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-505.01 (1) Unless otherwise limited by statute or by
4 the court, a plaintiff may elect to have service made by any of the
5 following methods:

6 (a) Personal service which shall be made by leaving the
7 summons with the individual to be served;

8 (b) Residence service which shall be made by leaving the
9 summons at the usual place of residence of the individual to be
10 served, with some person of suitable age and discretion residing
11 therein; or

12 (c) Certified mail service which shall be made by (i)
13 within ten days of issuance, sending the summons to the defendant
14 by certified mail or commercial courier service with a return
15 receipt requested showing to whom and where delivered and the date
16 of delivery, and (ii) filing with the court proof of service with
17 the signed receipt attached.

18 (2) Failure to make service by the method elected by the
19 plaintiff does not affect the validity of the service.

20 Sec. 2. Section 25-506.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 25-506.01 (1) Unless the plaintiff has elected certified
23 mail service, ~~by certified mail~~, the summons shall be served by the
24 sheriff of the county where service is made, by a person authorized
25 by section 25-507 or otherwise authorized by law, or by a person,

1 corporation, partnership, or limited liability company not a party
2 to the action specially appointed by the court for that purpose.

3 (2) ~~Service by certified mail~~ Certified mail service
4 shall be made by plaintiff or plaintiff's attorney.

5 Sec. 3. Section 25-507.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 25-507.01 (1) Within twenty days after the date of issue,
8 the person serving the summons, other than by certified mail
9 service, shall make proof of service to the court stating the time,
10 place, including the address if applicable, name of the person with
11 whom the summons was left, and method of service, or return the
12 unserved summons to the court with a statement of the reason for
13 the failure to serve.

14 (2) When service is by certified mail service, the
15 plaintiff or plaintiff's attorney shall file proof of service
16 within ten days after return of the signed receipt.

17 (3) Failure to make proof of service or delay in doing so
18 does not affect the validity of the service.

19 Sec. 4. Original sections 25-505.01, 25-506.01, and
20 25-507.01, Reissue Revised Statutes of Nebraska, are repealed.